

MONTANA LEGISLATIVE HISTORY

Chapter 101 1985

Bill H _____ S 17

Original bill & history X c

H. Committee on BUSINESS & LABOR

Hearing Date(s) 3/7 _____ C

& EXEC ACTION

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on LABOR & EMPLOYMENT RELAT

Hearing Date(s) 1/10 _____ C

& EXEC ACTION

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes X No

Committee _____

Report _____

1 SENATE BILL NO. 17

2 AN ACT TO GENERALLY REVISE AND CLARIFY LAWS RELATING TO
3 BUSINESS AND LABOR; AMENDING SECTIONS 30-9-410, 30-14-221,
4 30-15-104, 33-19-405, 33-19-406, AND 39-71-406, MCA.

5 Section 1. 30-9-410. This amendment removes a
6 reference to 30-9-408 which was repealed by section 85, Ch.
7 402, L. 1983.

8 Section 2. 30-14-221. This amendment substitutes
9 "department" for "commissioner" in two places in subsection
10 (3) and makes grammatical changes to reflect the change. The
11 language regarding the commissioner was added by the House
12 Judiciary Committee by Ch. 577, L. 1983. A corresponding
13 change was made to 30-10-304, MCA, regarding investigations
14 by the Securities Commissioner. This section relating to
15 unfair trade practices is administered by the Department of
16 Commerce.

17 Section 3. 30-15-104. This amendment removes a
18 reference to inventory taxation on goods held in a foreign
19 trade zone. The taxation of business inventory was repealed
20 by Ch. 613, L. 1981.

21 Section 4. 33-19-405. This amendment removes reference
22 to and penalties for violation of a cease and desist order
23 issued by the Insurance Commissioner. Chapter 580, L. 1981,
24 which enacted Title 33, ch. 19, originally contained cease
25 and desist provisions in section 19 which was codified as
26 33-19-404. The cease and desist provisions were amended out
27 of section 19, but the penalty for violating an order was
28 retained in section 20, which was codified as this section.

29 Section 5. 33-19-406. This amendment removes a
30 reference to an order under 33-19-404, to correspond to the
31 amendment to 33-19-405.

32 Section 6. 39-71-406. This amendment removes an
33 obsolete reference to contributions by employees to a
34 hospital fund under the Workers' Compensation Act. Hospital
35 contracts were governed by 92-610, R.C.M. 1947, which was
36 repealed by Ch. 106, L. 1973.

1 SENATE BILL NO. 17
2 INTRODUCED BY GOODOVER
3 BY REQUEST OF THE CODE COMMISSIONER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY LAWS RELATING TO BUSINESS AND LABOR; AMENDING
7 SECTIONS 30-9-410, 30-14-221, 30-15-104, 33-19-405,
8 33-19-406, AND 39-71-406, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 30-9-410, MCA, is amended to read:

12 "30-9-410. Continued applicability of laws to
13 transmitting utilities. Unless displaced by the specific
14 provisions of ~~30-9-408-through-30-9-410~~ 30-9-409, this code
15 and other applicable laws remain in full force and effect
16 and supplement the provisions of ~~30-9-408-through-30-9-410~~
17 30-9-409."

18 Section 2. Section 30-14-221, MCA, is amended to read:

19 "30-14-221. Investigations. (1) The department, for
20 the purpose of conducting hearings and investigations which
21 in the opinion of the department are necessary and proper
22 for the exercise of the powers vested in it by this part,
23 shall at all reasonable times have access to any evidence
24 concerning a person being investigated or proceeded against
25 that relates to any matter under investigation or in

1 question and the right to copy such evidence. The department
2 may issue subpoenas requiring the attendance and testimony
3 of witnesses and the production of any evidence that relates
4 to any matter under investigation or in question before the
5 department or before its duly authorized agent conducting
6 the investigation. An agent, duly authorized by the
7 department for those purposes, may administer oaths and
8 affirmations, examine witnesses, and receive evidence. The
9 attendance of witnesses and the production of evidence may
10 be required from any place in this state at any designated
11 place of hearing.

12 (2) Upon application by the department in a case of
13 contumacy or refusal to obey a subpoena issued to a person,
14 a district court of this state, within the district where
15 the inquiry is carried on or where a person guilty of
16 contumacy or refusal to obey is found, resides, or transacts
17 business, has jurisdiction to issue to that person an order
18 requiring him to appear before the department or its duly
19 authorized agent and to produce evidence if so ordered or to
20 give testimony regarding the matter under investigation.
21 Failure to obey the order of the court may be punished by
22 the court as a contempt.

23 (3) A person may not be excused from attending and
24 testifying or from producing books, records, correspondence,
25 documents, or other evidence in obedience to the subpoena of

1 the department on the ground that the testimony or evidence
 2 required of him may tend to incriminate him or subject him
 3 to a penalty or forfeiture; but no compelled testimony or
 4 evidence or any information directly or indirectly derived
 5 from such testimony or evidence may be used against the
 6 witness in any criminal prosecution. Nothing in this section
 7 prohibits the commissioner department from granting immunity
 8 from prosecution for or on account of any transaction,
 9 matter, or thing concerning which a witness is compelled to
 10 testify if the commissioner department determines, in his
 11 its sole discretion, that the ends of justice would be
 12 served thereby. Immunity may not extend to prosecution or
 13 punishment for false statements given pursuant to the
 14 subpoena."

15 Section 3. Section 30-15-104, MCA, is amended to read:

16 "30-15-104. Taxation of corporations operating
 17 foreign-trade zones and their goods. {1}-All-goods-held-in-a
 18 foreign-trade-zone-are-subject-to-inventory-taxation-

19 {2} Private or public corporations operating
 20 foreign-trade zones are subject to all taxes imposed upon
 21 them under the provisions of Title 15."

22 Section 4. Section 33-19-405, MCA, is amended to read:

23 "33-19-405. Civil penalties. {1} If a hearing pursuant
 24 to 33-19-402 results in the finding of a knowing violation
 25 of this chapter, the commissioner may, in--addition--to--the

1 issuance--of--a--cease--and--desist--order--as-prescribed-in
 2 33-19-404, order payment of a civil penalty of not more than
 3 \$500 for each violation but not to exceed \$10,000 in the
 4 aggregate for multiple violations.

5 {2}-Any-person-who-violates-a-cease-and-desist-order
 6 of-the-commissioner-under-33-19-404-may,--after--notice--and
 7 hearing--and--upon--order-of-the-commissioner,--be-subject-to
 8 one-or-more-of-the-following-penalties,--at-the-discretion-of
 9 the-commissioner:

10 {a)--a-civil-penalty-of-not-more-than-\$10,000-for--each
 11 violation;--or

12 {b)--a--civil--penalty--of-not-more-than-\$50,000-if-the
 13 commissioner-finds-that-violations-have-occurred--with--such
 14 frequency--as-to-constitute-a-general-business-practice;--and

15 {c)--suspension---or---revocation---of---an---insurance
 16 institution's-or-agent's-license."

17 Section 5. Section 33-19-406, MCA, is amended to read:

18 "33-19-406. Judicial review of orders and reports. Any
 19 person subject to an order of the commissioner under
 20 33-19-404-or 33-19-405 or any person whose rights under this
 21 chapter were allegedly violated may obtain a review of any
 22 order or report of the commissioner as provided by
 23 33-1-711."

24 Section 6. Section 39-71-406, MCA, is amended to read:

25 "39-71-406. Deduction from wages of any part of

1 premium a misdemeanor ~~----hospital--contributions--not~~
 2 prohibited. It is unlawful for the employer to deduct or
 3 obtain any part of any premium required to be paid by this
 4 chapter from the wages or earnings of his workers, and the
 5 making or attempt to make any such deduction is a
 6 misdemeanor~~7-except-that-nothing-in-this--section--shall--be~~
 7 construed~~--as--prohibiting--contributions--by-employees-to-a~~
 8 hospital-fund~~7-as-elsewhere-in-this-chapter-provided."~~

-End-

SENATE FINAL STATUS

1/10 HEARING
 1/10 COMMITTEE REPORT-BILL DO PASS
 1/12 2ND READING PASS 47 0
 1/14 ON MOTION TAKEN FROM ENGROSSING;
 PLACED ON 2ND READING THIS DAY
 1/14 2ND READING PASS AS AMENDED 49 0
 1/16 3RD READING PASS 48 0

 TRANSMITTED TO HOUSE
 1/18 REFERRED TO BUSINESS & LABOR
 3/07 HEARING
 3/08 COMMITTEE REPORT-BILL CONCURRED
 3/09 2ND READING CONCURRED 93 0
 3/12 3RD READING CONCURRED 93 0

 RETURNED TO SENATE
 3/15 SIGNED BY PRESIDENT
 3/15 SIGNED BY SPEAKER

 3/15 TRANSMITTED TO GOVERNOR
 3/19 SIGNED BY GOVERNOR
 CHAPTER NUMBER 101 EFFECTIVE DATE: 10/01/85

SB 18 INTRODUCED BY MAZUREK
 PROVIDE TEACHER WITH NOTICE AND HEARING PRIOR TO
 DISMISSAL UNDER CONTRACT
 BY REQUEST OF INTERIM SUBCOMMITTEE NO. 4

1/07 INTRODUCED
 1/07 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/11 HEARING
 1/12 COMMITTEE REPORT-BILL PASS AS AMENDED
 1/16 2ND READING PASS 48 0
 1/18 3RD READING PASS 44 0

 TRANSMITTED TO HOUSE
 1/19 REFERRED TO EDUCATION & CULTURAL RESOURCES
 2/06 HEARING
 2/09 COMMITTEE REPORT-BILL CONCURRED
 3/05 2ND READING CONCURRED 92 0
 3/06 3RD READING CONCURRED 97 0

 RETURNED TO SENATE
 3/11 SIGNED BY PRESIDENT
 3/11 SIGNED BY SPEAKER

 3/11 TRANSMITTED TO GOVERNOR
 3/14 SIGNED BY GOVERNOR
 CHAPTER NUMBER 56 EFFECTIVE DATE: 10/01/85

SB 19 INTRODUCED BY LYNCH, WALDRON, BERGENE, ET AL.
 ESTABLISH AND FUND CHILD ABUSE PREVENTION PROGRAM

1/07 INTRODUCED
 1/07 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
 1/08 FISCAL NOTE REQUESTED
 1/14 FISCAL NOTE RECEIVED

SENATE FINAL STATUS

1/28 FISCAL NOTE REQUESTED
 1/28 2ND READING PASS AS AMENDED 36 12
 1/30 3RD READING PASS 37 12

 TRANSMITTED TO HOUSE
 2/01 FISCAL NOTE RECEIVED
 2/27 REFERRED TO HUMAN SERVICES & AGING
 3/06 HEARING
 3/28 COMM REPORT-BILL CONCURRED AS AMENDED
 3/30 2ND READING CONCURRED 91 1
 4/01 3RD READING CONCURRED 100 0

 RETURNED TO SENATE WITH AMENDMENTS
 4/04 2ND READING AMENDMENTS CONCURRED 50 0
 4/08 3RD READING AMENDMENTS CONCURRED 48 1
 4/17 SIGNED BY PRESIDENT
 4/17 SIGNED BY SPEAKER

 4/18 TRANSMITTED TO GOVERNOR
 4/23 SIGNED BY GOVERNOR
 CHAPTER NUMBER 610 EFFECTIVE DATE: 10/01/85

SB 20 INTRODUCED BY FULLER
 REPEALING COUNTY BILLIARD TABLE AND BOWLING ALLEY
 LICENSES

1/07 INTRODUCED
 1/07 REFERRED TO LOCAL GOVERNMENT
 1/08 FISCAL NOTE REQUESTED
 1/10 HEARING
 1/14 FISCAL NOTE RECEIVED
 1/16 COMMITTEE REPORT-BILL PASS AS AMENDED
 1/18 2ND READING PASS 47 0
 1/21 3RD READING PASS 49 0

 TRANSMITTED TO HOUSE
 1/22 REFERRED TO LOCAL GOVERNMENT
 3/12 HEARING
 3/13 ADVERSE COMMITTEE REPORT
 3/14 BILL KILLED 84 4

SB 21 INTRODUCED BY TOWE, CHRISTIAENS, ET AL.
 CREATING A COAL RESEARCH AND DEVELOPMENT ACCOUNT
 FROM COAL SEVERANCE TAX

1/07 INTRODUCED
 1/07 REFERRED TO TAXATION
 1/08 FISCAL NOTE REQUESTED
 1/09 HEARING
 1/14 FISCAL NOTE RECEIVED
 2/22 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/26 2ND READING PASS 25 23
 2/27 3RD READING DO NOT PASS 22 28
 3/04 RECONSIDERATION 28 22
 3/04 REREFERRED TO TAXATION
 3/18 TABLED IN COMMITTEE

SENATE FINAL STATUS

1/18 REFERRED TO STATE ADMINISTRATION
 3/07 HEARING
 3/07 COMMITTEE REPORT-BILL CONCURRED
 3/09 2ND READING CONCURRED 98
 3/09 ON MOTION SEGREGATED FROM
 COMMITTEE OF WHOLE REPORT
 3/13 2ND READING CONCURRED AS AMENDED 93
 3/15 3RD READING CONCURRED 97

 RETURNED TO SENATE WITH AMENDMENTS
 3/19 2ND READING AMENDMENTS NOT CONCURRED 50
 3/25 CONFERENCE COMMITTEE APPOINTED
 4/23 CONFERENCE COMMITTEE REPORT

 SENATE
 4/24 2ND READING CONFERENCE COMMITTEE
 REPORT ADOPTED 50
 4/24 3RD READING CONFERENCE COMMITTEE
 REPORT ADOPTED 41

 HOUSE
 4/23 2ND READING CONFERENCE COMMITTEE
 REPORT ADOPTED 97
 4/23 3RD READING CONFERENCE COMMITTEE
 REPORT ADOPTED 94
 4/26 SIGNED BY PRESIDENT
 4/30 SIGNED BY SPEAKER

 4/30 TRANSMITTED TO GOVERNOR
 5/06 SIGNED BY GOVERNOR
 CHAPTER NUMBER 671 EFFECTIVE DATE: 10/01/85

SB 14 INTRODUCED BY KOLSTAD
 RESTRICTION OF FREE LEGISLATIVE PROCEEDINGS FOR NEW
 MEDIA TO MONTANA MEDIA
 BY REQUEST OF LEGISLATIVE COUNCIL

 1/07 INTRODUCED
 1/07 REFERRED TO STATE ADMINISTRATION
 1/08 HEARING
 1/08 FISCAL NOTE REQUESTED
 1/08 COMMITTEE REPORT-BILL DO PASS
 1/10 2ND READING PASS 49
 1/12 3RD READING PASS 47

 TRANSMITTED TO HOUSE
 1/14 FISCAL NOTE RECEIVED
 1/14 REFERRED TO STATE ADMINISTRATION
 3/06 HEARING
 3/06 COMMITTEE REPORT-BILL CONCURRED
 3/08 2ND READING CONCURRED 96
 3/09 3RD READING CONCURRED 91

 RETURNED TO SENATE
 3/13 SIGNED BY PRESIDENT
 3/14 SIGNED BY SPEAKER

SENATE FINAL STATUS

SB 15 INTRODUCED BY KOLSTAD
 REVISE CERTAIN SPECIAL VEHICLE LICENSE LAWS
 BY REQUEST OF CODE COMMISSIONER

 1/07 INTRODUCED
 1/07 REFERRED TO HIGHWAYS & TRANSPORTATION
 1/08 HEARING
 1/09 COMMITTEE REPORT-BILL DO PASS
 1/11 2ND READING PASS 48 0
 1/15 3RD READING PASS 49 0

 TRANSMITTED TO HOUSE
 1/16 REFERRED TO HIGHWAYS & TRANSPORTATION
 3/12 HEARING
 3/13 COMMITTEE REPORT-BILL CONCURRED
 3/16 2ND READING CONCURRED 96 0
 3/18 3RD READING CONCURRED 95 2

 RETURNED TO SENATE
 3/21 SIGNED BY PRESIDENT
 3/22 SIGNED BY SPEAKER

 3/22 TRANSMITTED TO GOVERNOR
 3/25 SIGNED BY GOVERNOR
 CHAPTER NUMBER 159 EFFECTIVE DATE: 10/01/85

SB 16 INTRODUCED BY KOLSTAD
 REVISE LAWS RELATING TO HEALTH, SOCIAL SERVICES AND
 TRANSPORTATION
 BY REQUEST OF CODE COMMISSIONER

 1/07 INTRODUCED
 1/07 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
 1/09 HEARING
 1/15 COMMITTEE REPORT-BILL PASS AS AMENDED
 1/17 2ND READING PASS 47 0
 1/19 3RD READING PASS 41 1

 TRANSMITTED TO HOUSE
 1/21 REFERRED TO HUMAN SERVICES & AGING
 3/06 HEARING
 3/07 COMMITTEE REPORT-BILL CONCURRED
 3/12 2ND READING CONCURRED 93 0
 3/14 3RD READING CONCURRED 96 0

 RETURNED TO SENATE
 3/19 SIGNED BY PRESIDENT
 3/20 SIGNED BY SPEAKER

 3/21 TRANSMITTED TO GOVERNOR
 3/22 SIGNED BY GOVERNOR
 CHAPTER NUMBER 140 EFFECTIVE DATE: 10/01/85

B 17 INTRODUCED BY GOODOVER
 GENERALLY REVISE LAWS RELATING TO BUSINESS AND LABOR
 BY REQUEST OF CODE COMMISSIONER

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

January 10, 1985

The first meeting of the Labor and Employment Relations Committee was called to order at 1:00 p.m. on January 10, 1985, by Chairman J. D. Lynch in Room 413/415 of the Capitol.

ROLL CALL: All members were present except Senator Blaylock, who was excused.

CONSIDERATION OF SENATE BILL 17:

Chairman Lynch called on Senator Goodover, sponsor of Senate Bill 17. Senate Bill 17 is an act to revise and clarify laws relating to business and labor.

Greg Petesch, a member of Legislative Council, was present to explain the bill and answer any questions. Greg Petesch stated that this is a six-section bill. Mostly what it does is to remove obsolete references in the code that refer to other things. He reviewed the sections of the bill.

PROPOSERS OF SENATE BILL 17: None were present.

OPPOSERS OF SENATE BILL 17: None were present.

QUESTIONS FROM THE COMMITTEE:

Senator Towe asked Greg Petesch to clarify, in section four, what the section states. Greg Petesch stated it was section 19 of Senate Bill 244 last session, which is now M.C.A. 30-19-404. It provides that if in a hearing the commissioner determined that an institution agent or support organization is engaged in conduct in violation of this act, the commissioner may issue an order requiring the institution agent or insurance organization to seek assistance when the contractor's practice is constituting the violation.

Senator Thayer asked Greg Petesch what section three means.

Greg Petesch replied that Title 15 is the taxation chapter title of the code.

The hearing was closed on Senate Bill 17.

January 10, 1985

Senator Aklestad asked Gary Blewett whether there isn't also an uninsured fund different from what Blewett described for those employees in jobs where the employer doesn't carry workers' compensation.

Gary Blewett replied that there is a provision under the act for an uninsured employees fund. That is, employers who are supposed to have coverage and have failed to purchase the insurance, can be fined a certain amount of money if identified and found. That money is put into a fund and, provided there is enough money in that fund, the employee who was injured in that situation could have that injury paid for even though the employer did not have insurance.

Senator Haffey asked Gary Blewett whether he had given statistics on the number of persons employed either part or full time and the number hurt, on the average, each year. Mr. Blewett had used the figure of 2,900 persons employed in the agricultural section. Senator Haffey wanted to know whether that excluded people like Senator Shaw, who is the boss, and whether it only included the employees. Gary Blewett replied that it only included the employees.

Senator Haffey repeated that 2,000 or so are hurt each year and asked Mr. Blewett to give him an idea of some of the kinds of injury. Gary Blewett replied that they range from the very simple cuts, burns, broken legs to a horse falling on the individual and even more severe matters.

Senator Haffey asked whether most of them are more serious. Gary Blewett replied that most of them are minor injuries, but 10-12% of the accidents that yield some kind of permanent characteristics are the kinds that make it difficult for a person to stay employed.

Senator Thayer asked whether there are any classes of employers left in the state that are not under this act. Gary Blewett replied that the answer is stated in the bill under section 401.

Senator Shaw closed his remarks on Senate Bill 29. He stated that he wanted less state government and that this bill is a step in that direction.

Chairman Lynch closed the hearing on Senate Bill 29.

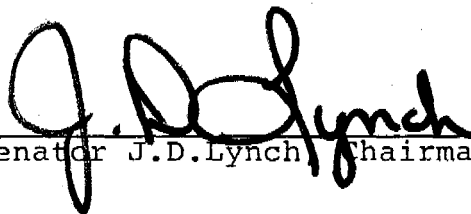
ACTION ON SENATE BILL 17:

Senator Manning made a motion that Senate Bill 17 Do Pass.

January 10, 1985

On a voice vote, the vote was unanimous that Senate Bill 17 Do Pass.

ADJOURNMENT: There being no further business before the committee, the meeting was adjourned at 1:46 p.m.



Senator J.D. Lynch, Chairman

bd

STANDING COMMITTEE REPORT

January 10

19 85

MR. President

We, your committee on Labor and Employment

having had under consideration Senate Bill No. 17

Goodover

Respectfully report as follows: That Senate Bill No. 17

DO PASS

Labor and Employment

COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 1/10/85

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
1 Senator Aklestad	X		
46 Senator Blaylock			X
9 Senator Haffey	X		
20 Senator Keating	X		
19 Senator Manning	X		
33 Senator Thayer	X		
Sentor Towe	X		
5 Chairman Lynch	X		

Each day attach to minutes.

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 7, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on March 7, 1985 at 9:00 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

SENATE BILL 95: Hearing commenced on Senate Bill 95. Senator J.D. Lynch, District #34, sponsor of the bill by request of the Department of Labor and Industry, explained that this is a conformity bill. The word contribution is changed to assessment to conform with the federal statute.

Proponent Dave Wanzenried, Commissioner, Department of Labor and Industry, stated this is a requirement of the federal government. In 1983 the legislature gave the department the authority to set aside 1/10 of 1% of contributions to be used for job service funding if needed. This must be called an assessment rather than a contribution. There will be no change in tax liability to employees, added Mr. Wanzenried.

Representative Glaser questioned Dave Wanzenried as to the formula change, based on contributions \$67,000 would be collected and based on taxable wages 2.5 million dollars would be set aside. Mr. Wanzenried referred the question to Harold Kansier of the department. Mr. Kansier explained that the intent in 1983 was to take 1/10 of 1% of taxable wages not contributions.

Representative Glaser then asked Mr. Kansier how the money gets back into the state. Mr. Kansier stated that all money goes to the U.S. Treasury Fund in Washington D.C. When money is needed to pay unemployment benefits, an order is sent to Washington D.C. daily for the amount that is needed. Representative Glaser added that the issue is not money for benefits, but for administrative purposes. Mr. Kansier stated that the money stays in Helena for six months and if it is not needed for administrative purposes it must be used for benefits and is sent to Washington D.C.

Representative Brandewie asked if House Bill 284 is passed, will employers be paying on \$11,800, to which the answer was yes. He then asked Mr. Kansier what the dollar difference will be if Senate Bill 95 is passed. Mr. Kansier explained

SENATE BILL 17: Hearing commenced on Senate Bill 17. Senator Pat Goodover, District #20 by request of the code commissioner is a housekeeping measure, stated Senator Goodover.

Proponent Greg Petesch of legislative council, explained that the word department is substituted for the word commissioner. This section relating to unfair trade practices is administered by the Department of Commerce. The remainder of the bill are housekeeping items, added Mr. Petesch.

There being no further discussion by proponents and no opponents to the bill, both were excused and the hearing on Senate Bill 17 was closed.

SENATE BILL 139: Hearing commenced on Senate Bill 139. Senator Gene Thayer, District #19, sponsor of the bill, explained that this allows the seller in a transaction covered by the federal Truth-in-Lending Act the option of using the disclosure language in the Montana Retail Installment Sales Act. All consumer transactions that are paid off monthly over a period of years are covered. Senate Bill 139 will eliminate the duplication of language required by both federal and state laws. The current Regulation Z is an intimidating, lengthy form, that is impossible to copy, added Senator Thayer.

Proponent Tom Carruthers, past chair, Montana Retail Bankers Association, distributed to committee members Exhibit 1 which is attached hereto. Mr. Carruthers explained that these forms are lengthy and confusing to the average consumer. Contracts are originated at the point of sale and generally are then sold to a different financial institution to service. If an error is made it is difficult to explain and correct. Senate Bill 139 is trying to simplify dealings for the consumer, stated Mr. Carruthers.

Proponent Les Alke, representing the Montana Bankers Association, explained this measure will reduce paperwork and simplify the process. All dealers will benefit from the passage of Senate Bill 139.

Representative Hansen asked Tom Carruthers if there are any areas that the state covers that the federal does not. Mr. Carruthers explained that the Montana disclosure provides clearer and less confusing information for the consumer.

committee will report back to. Mr. Johnson explained that the legislatures are the voice of the consumer and the go-between. Our legislatures have the knowledge, and expertise and can allow for measurer to be enacted.

Representative Ellerd stated this resolution is very broad and the time necessary to study each aspect will be phenomenal.

Representative Schultz asked Sue Winegartner is she was familiar with a situation in Lewistown when a private company purchased the solid waste system and an increase between 100 and 200% was apparent. She was familiar with the problem. Representative Schultz added that a private hauler is not always your cheapest resource.

There being no further discussion by proponents and opponents, all were excused by the chairman and the hearing on House Joint Resolution 31 was closed.

ACTION ON SENATE BILL 17: Representative Nisbet moved DO PASS on Senate Bill 17. Second was received, Senate Bill 17 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 139: Representative Thomas moved DO PASS on Senate Bill 139. Second was received, Senate Bill 139 will BE CONCURRED IN with all but Representatives Driscoll and Hansen voting yes.

ACTION ON HOUSE JOINT RESOLUTION 31: Representative Brown moved DO PASS. Representative Ellerd expressed his concern with the time element and added that this is very broad for one committee to study such a complex issue. Representative Bachini stated the amendment has already been addressed in a previous bill. Representative Hansen added that the solid waste situation is different than what the bill proposes, they are utilities, not private industries. Representative Kitselman explained that an interim committee is mandated to file a report and a copy may be requested from legislative council. The results of such a committee are seen in the form of bills, added Representative Kitselman. Representative Simon stated the stream access bill is a result of an interim study and stressed the importance of Representative Cohens amendment and moved the same. Representative Schultz added that if all small areas are incorporated into the bill the purpose may be defeated. Question being called, the amendment does fail with all but Representative Simon voting no. House Joint Resolution will BE ADOPTED with Representative Driscoll voting no.

DAILY ROLL CALL
BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 7, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormich	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

STANDING COMMITTEE REPORT

March 7

85

19.....

MR. SPEAKER.....

We, your committee on BUSINESS AND LABOR.....

having had under consideration SENATE..... Bill No. 17

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color

GENERALLY REVISE LAWS RELAYING TO BUSINESS AND LABOR

Respectfully report as follows: That SENATE..... Bill No. 17

DO PASS

VISITOR'S REGISTER

HOUSE BUSINESS AND LABOR

COMMITTEE

BILL Senate Bill 17

DATE March 7, 1985

SPONSOR Senator Goodover

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.